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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
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RUEHNE/AMEMBASSY NEW DELHI 4346
RUEHUL/AMEMBASSY SEOUL 7891
RUEHKO/AMEMBASSY TOKYO 5452
RUEHGV/USMISSION GENEVA 3440
RHHMUNA/CDR USPACOM HONOLULU HI
RHEHNSC/NSC WASHDC
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RUEHBS/USEU BRUSSELS
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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000014

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E.O. 12958: DECL: 01/10/2018
TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: ILO FRUSTRATED WITH BURMESE GOVERNMENT

REF: A. 07 RANGOON 1042

- [1](#)B. 07 RANGOON 1060
- [1](#)C. 07 RANGOON 1143
- [1](#)D. 07 RANGOON 722

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d)

[1](#)1. (C) Summary. Although the ILO had a good working relationship with former Deputy Labor Minister Aung Kyi, (now both Minister of Labor and Minister of Relations. i.e., the regime's liaison to Aung San Suu Kyi), new Deputy Labor Minister Brigadier General Tin Tun has increased restrictions on ILO activities in Burma. The GOB now requires the ILO to apply for permission to travel two weeks in advance of a trip and wants a Labor Ministry officer to accompany all ILO investigations. ILO Liaison Officer Steve Marshall acknowledges that the GOB has the right to make such requests under the ILO-GOB Forced Labor Mechanism Agreement, but the GOB's actions are contrary to the spirit of the agreement. The ILO is currently negotiating with the GOB on the Mechanism Agreement, which is to expire in February 2008. The ILO will extend the current agreement, provided the GOB meets ILO conditions, which include travel without permission. The ILO expects to sign a new agreement with the GOB by mid-February. End Summary.

Views on the New Deputy Labor Minister

[1](#)2. (C) According to ILO Liaison Officer Steve Marshall, the ILO solidified its working relationship with the Burmese Government through most of 2007. The ILO often worked directly with former Deputy Minister of Labor Aung Kyi (who was appointed Minister of Labor and Regime Liaison to Aung San Suu Kyi in October - see Ref B) to resolve forced labor cases. Marshall noted, however, that the new Deputy Labor Minister, Brigadier General Tin Tun Aung (former commander of the 33rd Light Infantry Division), was not as willing to work with the ILO as his predecessor. The ILO office has requested five meetings with Tin Tun Aung since November to

discuss pending forced labor and child soldier cases. Tin Tun Aung met with Marshall on two occasions, and since December ordered the Director General of Labor to handle ILO issues.

¶3. (C) In addition to cooler relations, Marshall noted that the Deputy Minister of Labor has taken a harder position regarding the ILO's activities in Burma. Under the ILO-GOB Forced Labor Mechanism Agreement, the ILO can travel throughout most of Burma to conduct labor assessments and investigations. Under Aung Kyi, Marshall did not have to inform the GOB about his travel plans and was not required to travel with a Ministry of Labor officer. However, the new Deputy Minister now requires the ILO to submit a formal request to travel at least two weeks prior to the trip, as well as a full travel itinerary. The Ministry of Labor also informed Marshall that a GOB official will accompany him on every ILO trip.

¶4. (C) Marshall acknowledged that the Mechanism allows for GOB officials to accompany him on official ILO trips, but noted that this had not been mandatory before Tin Tun Aung's appointment. The GOB official records all meetings and statements, providing the information to the Ministry of Labor before the ILO could make a case, which poses a problem for the ILO. Marshall lamented that by obtaining the information in advance of the ILO petition, the GOB can "clean up" whatever wrongdoings may exist.

Extending the Mechanism

¶5. (C) The ILO is currently renegotiating the ILO-GOB Forced Labor Mechanism, which will expire at the end of

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February (Ref A). The GOB indicated to Marshall its willingness to renew the current agreement as is. Marshall informed them that to extend the existing agreement, the ILO would need written clarification about the role of the GOB in ILO investigations. Marshall informed us that if the GOB allowed him to travel alone on the majority of ILO trips, with no prior approvals, he would extend the current agreement for another year. The Deputy Minister of Labor has been briefed on these conditions but has yet to agree to the terms. Marshall, confident that the GOB will work with the ILO to extend the mechanism, expects to sign a new agreement in mid-February.

Upcoming ILO Investigation

¶6. (C) Marshall told us that he plans to travel to Magway Division in the next few days to investigate several forced labor claims. He has yet to tell the Ministry of Labor about his itinerary, and will use this trip to test the Ministry's willingness to work within the ILO's parameters.

More Child Soldier Cases

¶7. (C) Although the ILO continues to receive several reports a week of forced labor, many of the cases in recent months have been child soldier cases. By mid-December, the ILO had 12 outstanding child soldier cases awaiting GOB action. Marshall told us that on December 22, the GOB resolved 11 of the cases, releasing the children back to their families. The ILO verified that the children all returned home and that the GOB took disciplinary action against those involved. Marshall said he was pleased with the GOB's actions on all but two of the cases, noting that in nine instances, the government formally reprimanded the officer involved and either limited his promotion ability or demoted him.

¶8. (C) In the other two cases, which involved the recruitment of 11-year old boys, Marshall did not believe

that the GOB took strong action against the perpetrators. Instead of court marshaling the two officers, which the GOB said it would do, the GOB only formally reprimanded them. Marshall sent a letter to the Deputy Labor Minister about the insufficiency of the disciplinary action. Marshall explained that these two cases would be reported to the ILO Governing Body, and could be raised during the next Governing Body meeting in March.

¶9. (C) Less than two weeks into the new year, the ILO has received two reports of child soldier cases involving three children. After investigating these cases, Marshall will send them to the Ministry of Labor for resolution. He indicated that while the Burmese Government resolves many of these cases when brought to its attention, it still has not addressed the underlying cause of child soldier recruitment (Ref C).

Comment

¶10. (C) That the Burmese Government has begun to limit the ILO's ability to investigate and report forced labor cases is disheartening, especially given the positive steps taken by the GOB in 2007 (Ref D). The continuing prospect of additional action by the ILO Governing Body tends to bring the GOB around after much resistance. Nonetheless, the foot dragging indicates a poor spirit of cooperation. Extending the agreement will not be enough either. The GOB needs to address the underlying cause of forced labor cases, rather than resolving those they hear about. We need to evaluate the GOB's efforts on labor not by the things it says, but on the concrete actions it takes to prevent forced labor from occurring.

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